Nada Smith

A. No.

Q. Did you ever have any complaints from anyone that came in and said, "Hey, the internet price is a lot lower than the price they're trying to sell me cars at"?

A. No.

Q. Who made up, if you know, the position that you took -- that in order to obtain an internet price, that they had to finance the automobile?

A. I'm sorry, who? Can you repeat that?

Q. You just testified that you heard one or two people say that they were told in order to get the internet price for a car that they had to obtain financing. Was that a written policy of New York Motor Group?

A. No.

Q. Is that something your father ever told you?

A. Not that I know of.

Q. Who said that?

A. It was a salesperson that said it to a client.

Nada Smith

Q. Do you remember if that client ended up purchasing the car?

A. Yes.

Q. Who took care of the internet pricing; who set the internet price?

A. I don't know.

Q. You said you had an internet person onsite?

A. Yes. It was a few different girls that came in and out. I'm not sure if she was the one that was doing it or the sales manager was doing it.

Q. Do you know if M&T Bank had anything to do with the setting of a price on the internet for any of your cars?

A. No, absolutely not.

Q. Did you to the best of your knowledge know whether or not each of the financial institutions that New York Motor Group used had their own separate documents that they required to be filled out in order to obtain financing?

A. No.

Q. No, you don't know?

Nada Smith

A. I don't know.

Q. Did you ever have any complaints from any of your customers, saying that M&T's financing, that the terms of their financing were too great and they could not afford it?

A. Yes, I have had customers complain about that.

MR. SIMON: You've got to keep your voice up so we can hear.

A. Yes, I've had customers complain about that.

Q. Was that during the time that Julio worked there?

A. Yes.

Q. Did you ever contact M&T Bank about that?

A. No.

Q. Did you ever tell your father about that?

A. Yes.

Q. What did he do?

A. He spoke to Julio about it, and Julio seemed to take care of the complaint.

Q. Do you know how he took care of

Nada Smith

that complaint?

A. No. I never followed up with him.

Q. Did you ever hear, during the time that you said the complaints were coming in about Julio Estrada, that anyone complained that Julio had covered up terms of the papers that they were signing?

A. No.

Q. What other type of complaints did you remember people saying about Mr. Estrada?

A. That he overcharged them. That he took money from them. Basically, that the client was overcharged by Julio and that Julio took money from them and it was never returned to the client.

Q. As part of your job duties and responsibilities at New York Motor Group, did you ever receive any phone calls from any of your customers saying, "Hey, I spoke to M&T Bank. I had a problem and they told me to call the dealership directly"?

A. Not that I remember.

Q. If a complaint came in about Julio Estrada from a client, is it possible that

Julio spoke to them directly and it wouldn't go through you?

A. Yes.

Q. You stated that you were a signatory on the bank account of New York Motor Group?

A. Yes.

Q. For how long were you a signatory?

A. A few months. It wasn't the full year that I was there.

Q. Why did you become a signatory?

A. Because my father was never at the dealership and we did have clients coming in for refunds and I did need to pay bills and everything. But nothing went out without his approval.

Q. Counsel had talked about -- and again, I apologize if I'm pronouncing this incorrectly -- one of the plaintiffs in one of these lawsuits is named "Chowdhury"?

A. Yes.

Q. Do you remember that person in particular?

A. Yes. That's the mother and son?

Nada Smith

Q. Yes.

A. Okay.

Q. Do you remember what their complaint was about Mr. Estrada?

A. I'm not sure, because every time they came they would go straight to Julio and Julio would talk to them.

Q. Did they ever say anything to you about Mr. Estrada?

A. That he overcharged them, and stuff like that. But they didn't directly talk to me. They just spoke out loud.

Q. Did they ever make any complaints about M&T Bank to you?

A. No.

Q. Do you know if they ever had a resolution of their complaint regarding Julio Estrada with your father or the company?

A. I don't know, but I stopped seeing them, so I assume that Julio handled their issue.

Q. Did you, by the way, read or did anyone tell you what the allegations are in these complaints against you and your father?

Nada Smith

A. No.

Q. Did you ever discuss it with your father?

A. About? I'm sorry, can you repeat that?

Q. Sure. You know there are lawsuits in which you're named as a party in these lawsuits?

A. Yes.

Q. Do you know what the allegations are against you?

A. Some of them. Not all.

Q. The ones that you do know; what are you aware of those allegations being?

A. Clients claiming that -- I'm sorry.

Q. Sure, take your time.

A. They're just complaining that -- I was involved in a lot of their complaints with Julio. But like I said, I'd never done finance, so I don't know what -- all I just know is that Julio did overcharge them.

Q. How do you know that?

A. Because the customer will complain

Nada Smith

about it.

Q. Did any of the customers ever make any complaints about anyone other than Julio overcharging them?

A. No, just Julio.

Q. Did anyone ever make complaints about you being involved with that?

A. They say that I was a witness. But I was never present.

Q. Did any of the customers -- outside of these lawsuits -- ever say to you, "I think you're involved with this"?

A. Yes. And I told them that I have -- I told them that his job -- Julio's job is Julio's job. I don't know what Julio does. I explained to them that I have nothing to do with what Julio does.

Q. Did you ever receive any complaints during the time that you were working for New York Motor Group about any other employees other than Julio Estrada?

A. I don't think so. It was mainly Julio. All the complaints coming in were for Julio. And from the finance department.

Nada Smith

Q. Did you ever get complaints from any customers saying that the salespeople were using pressure tactics in order for them to purchase cars?

A. No.

Q. Did you ever receive any complaints from anyone saying that your internet person is putting up fake numbers on the internet?

A. No.

Q. One of the attorneys here spoke to you about Mr. Tuhin and the fact that there was some protesting going on?

A. Yes.

Q. Do you remember that?

A. Yes.

Q. Do you remember the first time you met Mr. Tuhin?

A. Yes.

Q. When was that?

A. I don't remember when it was exactly.

Q. Let me ask you this. Was it before or after he had proceeded with the purchase of his automobile?

A. It was when he was purchasing his automobile, when he purchased his vehicle. I had never met him before. I just met him the day that he bought his vehicle.

Q. Why don't you tell me this, because I don't think it was explained during your deposition. Take me through the steps of when someone walks into that showroom looking for a particular car. How does it work? They meet with the salesperson who shows them the car; is that how it works?

A. Yes.

Q. After they see a salesperson, who determines what the price of the car is going to be?

A. Julio and the salesperson.

Q. So if someone walks in and sees a sticker on a car for $12,000, can that person then say, "I only want to pay $10,000"?

A. He can negotiate with the salesperson.

Q. Did New York Motor Group allow negotiations on their purchases?

Nada Smith

A. I don't know. I was never on the sales floor or spoke to any salespeople like that.

Q. After an amount was determined for the purchase of an automobile, would it be determined if the person then needed to obtain financing to purchase the car?

A. I would believe so.

Q. If someone wanted to purchase an automobile without obtaining financing, would they ever see Julio Estrada?

A. I think so. I think -- I think all of the customers who walked in met with Julio.

Q. That's what I'm saying.

So they would see Julio whether or not they wanted to purchase the cars outright without financing --

A. Yes.

Q. -- or whether they wanted to obtain financing?

A. Yes, all the clients met with Julio.

Q. Were you ever directly involved in

any of the discussions between Mr. Estrada and Mr. Tuhin?

A. No.

Q. Were you ever involved in any of the discussions between Mr. Estrada and Ms. Chowdhury?

A. No.

Q. Were you ever involved in any of the discussions between Mr. Estrada and Mr. Gabrys?

A. No.

MR. SIMON: Off the record.

(A discussion is held off the record.)

Q. I'm going to show you what has been previously marked as Defendant's Exhibit F at a deposition on October 28, 2014.

I will ask you if you know what this document is. If you have your copies, it's Bates-stamp PRFD 000022.

MR. SIMON: That was the Tuhin deposition?

MR. GROSSMAN: I think this was the Gabrys deposition on the 28th.

Nada Smith

A. Yes, that's a credit ap.

Q. Let me make sure that your counsel is okay with you answering first. Have you seen that type of document before?

A. Yes.

Q. Do you know what that is?

A. Yes. It's a credit application.

Q. Do you know if that document was used by New York Motor Group for all the financial institutions that they were using to obtain financing?

MR. SIMON: If you know.

A. I can't say for all of them, because I'm not sure, but the ones that I have seen in the deal jackets, this is what it looks like.

Q. Do you know who fills that out?

A. No.

Q. Do you know who signs it? Do you want to look at the last page?

A. "Applicant signature" -- so the applicant would be signing it.

Q. Were you ever involved in any of those documents that say "Dealertrack" at the top ever being forwarded to either M&T Bank or Santander?

A. No.

Q. Do you know who provides the information that goes in that document?

A. I don't know.

Q. Do you know whether or not M&T Bank has anything to do with the preparation of that document?

A. I don't know.

Q. Do you know what happens with that document when it gets sent to the financial institutions with respect to financing?

A. I don't know.

Q. When you were asked by Mr. Estrada to fax something, do you remember ever faxing that document to M&T Bank?

A. I don't remember.

Q. You had testified earlier that there would be times that you would sign and put your name on some bank documents. Do you remember that?

A. Yes, but it was only DMV-related. It wasn't bank-related.

Nada Smith

Q. When you say "DMV-related," what are you talking about?

A. I mean like the odometer statement that he had presented to me before, or an MV-82 -- that stuff I believe the bank needs.

Q. You would never sign a Dealertrack document?

A. No.

Q. Would you sign a credit application?

A. No.

Q. Did you ever sign a Retail Installment Agreement?

A. I don't even know what that is.

MR. GROSSMAN: One has already been marked, right?

MR. SIMON: She was shown it this morning. It had been marked at the Tuhin deposition.

Q. You had been previously shown this document, which is Defendant's Exhibit C from the deposition on 10/27/14. Would this be a bank document that you would ever sign?

A. No.

Nada Smith

Q. How about a bill of sale? Did you ever sign that?

A. No.

Q. So your testimony, ma'am, is that you would only sign DMV documents and send them to the bank?

A. Yes.

Q. Did you ever sign anyone's name but your own on any documents?

A. No, never.

Q. Were you ever asked to do that?

A. Never.

Q. Did M&T Bank ever ask you to sign any documents on someone's behalf other than your own name?

A. Never. I never even spoke to M&T Bank.

Q. How about Santander? Did they ever ask you?

A. No.

Q. Did you ever attempt to contact M&T Bank with any complaint that any customers ever made to you?

A. No.

Nada Smith

Q. Were you ever present during any conversations that Mr. Estrada ever had with M&T Bank?

A. No.

Q. Do you know if Mr. Estrada ever told you that he had spoken to M&T Bank?

A. I think so.

Q. Do you know how often you spoke to him?

A. No.

Q. What about Santander? Do you know if Mr. Estrada ever said that he spoke to Santander?

A. Yes.

Q. Do you know what the sum and substance of those conversations were?

A. No idea.

Q. How about your father? Did he ever speak to M&T Bank that you're aware of?

A. I don't know.

Q. Do you know if your father ever spoke to Santander Bank?

A. I don't know.

Q. One of the questions that was

Nada Smith

asked of you was whether anyone ever wanted to return a vehicle before funding. Do you remember that question?

A. Yes.

Q. So that the record is clear, when we talk about "funding," we're talking about at the time that the money is given to New York Motor Group.

A. I don't know what "funding" exactly is, but I know that it means that the loan went through completely.

Q. So that we are clear, when you answered that question when you said that the -- before funding, did that mean when the loan went through completely? Did that mean the time that New York Motor Group got the money, or after the bank approved the loan?

A. Hold on, I'm sorry.

Q. Sure.

A. This is a little rough for me -- doesn't the -- no, it gets approved before the customer leaves with the car.

Q. The loan gets approved before the customer leaves with the car?

Nada Smith

A. I think so.

Q. Again, I'm not asking you to guess. It's not a test.

A. Okay. I don't know. I really don't know, sorry.

Q. When the dealership would get the financing amount, would it be wired into the dealership's bank account?

A. I don't know.

Q. Would you get any type of confirmation from either Santander or M&T after the funding was completed to New York Motor Group?

A. I don't know.

Q. Do you know how many times a month M&T Bank would fund a purchase for New York Motor Group?

A. How often?

Q. Yes.

A. No, I wouldn't know.

Q. Same question for Santander; would you know that?

A. No.

Q. You mentioned that Mr. Tuhin had

his car approximately one month before he came in and complained?

A. I believe a little over one month, because Mohammed had told me -- the sales manager at the time had told me that he made payments. I don't know if he meant "payment," or "payments" in general. But I know that Mr. Tuhin had the vehicle a while before he came in to return it.

Q. What was the time period between the first time he came in and made a complaint and the time that he had the protest?

A. I'm not sure. I don't remember.

Q. One of the questions that was asked of you had to do with whether you received complaints from customers; that they were told that the interest was to go down on a loan that they took out. Do you remember that question?

A. Yes.

Q. And you said that you approached Mr. Estrada about it; he showed you how it can be done?

A. Yes.

Nada Smith

Q. How did he show you that it could be done?

A. He showed me where he used to work before, a client that he had. He had taken a picture of his, you know, approval and everything like that. I don't know why he would do so, but he had showed me. And he showed me that -- he just explained to me that if a client does make a payment on time, because I'm not sure how finance works, so I only go by his word.

Q. That's fine.

A. So he told me that if a customer makes his payments on time that his interest rate will go down. And I said, "How often?" I asked Julio how often does that happen. And he said, "All the time."

Q. Did he say that the bank that gave the financing would be the one that would give the lower interest rate, or he would go to a different bank?

A. I didn't get too detailed into it, because I didn't know. I don't know.

Q. Did he ever tell you which banks

Nada Smith

he would go to, to help them refinance after they made their payments?

A. No.

Q. Did you ask him?

A. No.

Q. Did you ever see Ms. Chowdhury sign any documents in order to obtain financing?

A. I don't remember honestly. But she did -- I had her sign the MV-50 and MV-82, the DMV paperwork that I had pulled out for her to sign. So I'm guessing she did sign the paperwork and everything, the agreement to finance.

Q. Did she make any complaints about her arrangements to obtain financing at that time?

A. At the time of the purchase of the vehicle, no.

Q. How about Mr. Gabrys? Did you ever see him sign any financing documents?

A. No.

Q. Did he ever make any complaints to you about the financing documents that he